This decision seems to be based on the principle that the inferior has no right in the superior, and therefore the inferior can suffer no loss or injury. 3 *Bl. Comm.* 143. The common law gave to the wife no action for alienation of her husband's affection. *Duffies* v. *Duffies*, 76 Wis. 374; *Doe* v. *Roe*, 82 Me. 503. In some jurisdictions, however, the courts recognize that a wife has a right to her husband's society and affection, and, therefore, in a case like the present, a right of action. *Foot* v. *Card*, 58 Conn., 1. 18 *Atl.* 1027; *Warren* v. *Warren*, 89 Mich. 123; *Lynch* v. *Knight*, 9 H. of L. Cas. 589. Lord Campbell said that the wife might have action for the loss of the consortium of her husband. Statutes in this country have so modified the law that where a married woman may sue by herself for personal injuries, she can sue for loss of consortium of her husband. *Bennett* v. *Bennett*, 116 N. Y. 584; *Bassett* v. *Bassett*, 20 Ill. App. 543; *Clark* v. *Harlan*, 1 Cin. Rep. 418; *Leaver* v. *Adams*, 19 Atl. 776; *Westlake* v. *Westlake*, 34 Ohio St. 621; *Mehehoff* v. *Mehehoff*, 26 Fed. Rep. 13.

INSURANCE—CHANGE OF TITLE—NOTICE—WHITNEY V. AMERICAN INSURANCE CO. ET AL., 59 Pac. 897 (Col.).—Action brought by the mortgagee to recover the amount of an insurance policy. A mortgage clause in the policy provided "that the mortgagee or trustee shall notify this company of any change of ownership * * * which shall come to his knowledge." One B holding a general power of attorney for C, requested S, the owner of the insured property to make a deed of the property to C, which he did, and B had the deed recorded. Before C had accepted the conveyance, the building on the premises was destroyed by fire, whereupon he refused to accept. B immediately reconveyed the property to S. *Held*, that there was no change of ownership in the property which necessitated notice to the insurer.

The question in this case was whether the handing of the deed to B constituted a delivery. The test of delivery is: Did the grantor by his acts or words intend to divest himself of the title? If so, the deed is delivered. *Austin* v. *Tendall*, 2 M. S., Arthur, D. C. 362. Generally speaking the delivery of a deed to an agent appointed by the vendee therein to receive it is a delivery to such vendee. *Soward* v. *Moss*, 78 N. W. 373 (Neb.). In the case under review the court seems not to have regarded B as an agent of C, although he held a general power of attorney from him. Temple, J., dissenting.

INTERNATIONAL LAW—PRIZES—IN RE PUGNETTE HABANA, THE SOLA, 20 Sup. Ct. Rep. 290.—*Held*, vessels flying the enemy's flag engaged in coast fisheries, but carrying no arms, are not subject to capture. See Comment.

INTERSTATE COMMERCE—STATE LAWS AFFECTING—LICENSE TAX IMPOSED BY CITY.—PABST BREWING CO. V. CITY OF TERRE HAUTE ET AL., 98 Fed. Rep. 330.—The common council of Terre Haute, under authority of the Legislature, passed an ordinance imposing a license tax of $1,000 annually upon every person, corporation or firm maintaining a brewery, depot or agency within the limits of said city. The complainant maintained a depot in the city for storing its goods until they could be delivered, but had in the State of Indiana no brewery or place of manufacture for its goods. The complainant sought an injunction to restrain the enforcement of the ordinance chiefly on the ground that it is in conflict with the commerce clause of the Constitution. *Held*, that such a license tax is invalid, being a tax on interstate commerce, and not an exercise of the police powers of the state within the terms of the Wilson Act (26 Stat. C. 728).

The question is here considered as to the right of a state or city to tax the product of another state coming into it. The Supreme Court has decided that a state may impose a license fee upon intoxicating liquors, brought in from another state, when this license is for the purpose of regulating and controlling

the importation and sale, without violating the Constitution. *Hinson* v. *Lott*, 8 Wall U. S. 148; *License Cases*, 5 How U. S. 504. A license is for the purpose of control, supervision, or regulation of some act or thing, and not for revenue, for in such a case it is a tax. *Ash* v. *People*, 11 Mich. 347. *In re Wan Yin*, 22 Fed. Rep. 710. In the present case there was no evidence in the record that any provisions were made for the supervisiion, control, or regulation of such breweries, depots, or agencies. Therefore this assessment was a tax for revenue, outside the police powers of the state, and contrary to the interstate commerce clause of the constitution.

JUDGMENT AGAINST DECEDENT—IMPEACHMENT—ACTION BY HEIR—KAYES ET AL. V. VICKERY ET AL., 59 Pac. 628 (Kan.). *Held*, that at common law a judgment against a dead person is absolutely void and may be collaterally impeached by the heirs. Nor does it make any difference that service may have been obtained or the suit commenced before the death of the defendant.

There seems to be a wide diversity of opinion by the courts on this question. In the greater number of cases the rule appears to be that a judgment of the court rendered when one of the original parties was dead is voidable only, and can not be collaterally impeached, *Knott* v. *Taylor*, 99 N. Car. 511. In the case under discussion, the court confesses that its judgment was rendered "upon what appeared to be the reason and principle of the question and less upon the authority of the adjudged cases." There is, however, no lack of authority for this view, since in a number of states it has been held that a judgment against a decedent is absolutely void. *Life Association* v. *Fassett*, 120 Ill. 315.

LARCENY—GREEN GOODS—PEOPLE V. LIVINGSTONE, 62 N. Y. Supp. 9.—Prosecutor gave $500, with the expectation of receiving $3,000 counterfeit money. *Held*, if prosecutor parts with his property for an unlawful purpose, no prosecution for false pretenses can be sustained. *McCord* v. *People*, 46 N. Y. 470.

The court regrets that the defendant must be given a new trial and suggests that the Legislature alter the rule in *McCord v. People*, supra. There is a provision in the Penal Code for the punishment of "green goods" offenders, but prosecution under it is difficult owing to its technicalities.

LIFE INSURANCE—CONSTITUTIONAL LAW—VALIDITY OF STATUTE AFFECTING BUSINESS OF LIFE INSURANCE—MERCHANTS' LIFE ASS'N V. YOAKUM, 98 Fed. 251.—A statute in Texas allows a policy holder in a life insurance company to recover the amount of his policy and 12% interest theron, if the policy be not paid by the company within specified time after demand made. *Held*, this statute is valid and not in violation of the 14th Amendment.

The purpose of this statute is not to compel Life Insurance Companies to pay their debts, but to secure a proper degree of care on their part in writing policies. That the enactment of such a statute is but the valid exercise of the legislative power seems most reasonable. Foreign Insurance Companies, as between insurer and insured, are by far the stronger, and this statute is manifestly for the protection of the weaker. It is not an arbitrary classification, nor is it discriminative, but, in its application to all such companies, seeks only to subserve the public interests. *Railway Co.* v. *Matthews*, 165 U. S. 1; *Casualty Co.* v. *Allibone*, 90 Tex. 660, 40 S. W. 339, decide the validity of similar statutes and are in accord with the present decision.

MALICIOUS PROSECUTION—DAMAGES—PLEADING—EVIDENCE—EVINS V. METROPOLITAN ST. RY. CO., 62 N. Y. Sup. 495.—In an action for malicious prosecution and false imprisonment the complainant failed to allege any special damages to his business as a lawyer. *Held*, that it was error to admit evidence of the plaintiff's loss of business subsequent to the arrest. Goodrich, P. J., dissented.

Some courts hold that allegations of special damage must be made in the pleadings, especially where the earning power is extraordinary. *Baldwin* v.